

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FA6117

Michael KAMBUROWSKI *et ux.*,

Plaintiff,

v.

Michael KIDD, Deportation Officer, U.S.
Immigration and Customs Enforcement, and
John CARBONE, (former) Acting Field
Director, U.S. Immigration and Customs
Enforcement,

Defendants.

No. 05-CV-0953 (CBA/RLM)

(Amon, J.)

(Mann, M.J.)

NOTICE OF MOTION

To: Michael J. DiRaimondo, Esq.
Mary Elizabeth Delli-Pizzi, Esq.
DiRaimondo & Masi, LLP
401 Broadhollow Road, Suite 302
Melville, NY 11747

Thomas E. Moseley, Esq.
One Gateway Plaza, Suite 2600
Newark, NJ 07102

PLEASE TAKE NOTICE that, on December 19, 2007, at noon, or as soon thereafter as counsel can be heard, in the Courtroom of the Honorable Carol Bagley Amon, United States District Judge for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, defendants Michael S. Kidd and John Carbone, and putative defendant the United States of America, will move this Honorable Court, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, to dismiss this action for lack of subject matter jurisdiction and on account of the defendants' immunity from suit, or, in the alternative, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment as to all claims set forth in the Amended

Complaint. In support of the instant motion, the defendants respectfully submit: a Memorandum of Law, a Statement of Material Facts as to Which No Genuine Issue Remains to Be Tried, a Declaration of Michael S. Kidd, a Declaration of F. Franklin Amanat, and exhibits annexed to the aforementioned Declarations.

Any papers which the plaintiff wishes to submit in opposition to this motion must be filed with the Court and served on counsel for the defendants no later than December 3, 2007.

Dated: Brooklyn, New York
November 2, 2007

BENTON J. CAMPBELL
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-2776

By: /s/ {FILED ELECTRONICALLY}
F. FRANKLIN AMANAT (FA6117)
Assistant United States Attorney
Eastern District of New York
(718) 254-6024

CERTIFICATE OF SERVICE

I, F. Franklin Amanat, hereby certify under penalties of perjury that on this 2nd day of November, 2007, I did cause true and correct copies of the above and foregoing instruments, Notice of Motion for Summary Judgment, Memorandum of Law in Support of Motion for Summary Judgment, Statement of Material Facts as to Which No Genuine Issue Remains to Be Tried, and Declarations and Exhibits in Support of Defendants' Motion for Summary Judgment, to be served by email and by first class mail on the following counsel of record for the plaintiff in this action:

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/s/ {FILED ELECTRONICALLY}

F. FRANKLIN AMANAT
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